

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WESLIE MARTIN,

Plaintiff,

Case No. 3:23-cv-00236-ART-CLB

v.

ORDER

ESQUIVEL, et al.,

Defendants.

I. DISCUSSION

In June 2023, Plaintiff Weslie Martin, then an inmate in the custody of the Nevada Department of Corrections (“NDOC”), initiated this prisoner civil rights action pursuant to 42 U.S.C. § 1983. ECF No. 1. On September 21, 2023, this Court issued a screening order and stayed the case to give the parties an opportunity to settle their dispute. ECF No. 7. On September 28, 2023, Interested Party NDOC filed a suggestion of death on the record, informing the Court that Plaintiff has passed away. ECF No. 12.

Pursuant to Federal Rule of Civil Procedure 25(a)(1), “[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent’s successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.” Fed. R. Civ. P. 25(a)(1).

The 90-day period has passed and there has been no motion for substitution. As such, the Court dismisses the case.

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It is further ordered that the Clerk of the Court will close the case and enter judgment accordingly.

DATED THIS 18th day of January 2024.

Anne Russell Rine

ANNE R. TRAUM
UNITED STATES DISTRICT JUDGE